

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Steven A. Simmons 202096842)
(full name) (Register No.))

Plaintiff(s).

Case No. _____

v. THE STATE OF MISSOURI,)
DIANA TURNER, ISAAC JOHNSTON,)
JACKSON County Detention Center)
and ADVANCE Correctional Healthcare)
(Full name))
JACKSON COUNTY SHERIFF DEPARTMENT)
DARYL FORTE)

Defendant(s).

Defendants are sued in their (check one):

____ Individual Capacity

____ Official Capacity

☒ Both

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): Jackson County Detention Center

II. Parties to this civil action:

Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Steven Simmons A. Register No. 202096842
Address 1300 CHERRY ST. KANSAS CITY, MO. 64106

B. Defendant THE STATE OF MISSOURI, DIANA TURNER, ISAAC JOHNSTON,
Jackson County Detention Center
Is employed as Director of Jackson County Det. Center and Assistant
Director under the Color of the State, and Entity, HEAD OF
SHERIFF, CHIEF

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes X No
- IV. Do you request a jury trial? Yes X No
- V. Do you request money damages? Yes X No
- State the amount claimed? \$6.5 million / 6.5 million (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes X No

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes X No

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

By filing Administrative Complaints on the Inmate Kiosk by
Connect US, and filing Informal Grievance Forms and
Appealed forms til exhausted.

D. If you have not filed a grievance, state the reasons.

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes X No

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes X No

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: STEVEN A. SIMMONS vs. THE STATE OF MISSOURI
(Plaintiff) (Defendant)

(2) Date filed: September 14, 2020

- (3) Court where filed: United State District Court Western District of Missouri
- (4) Case Number and citation: 20-734-CV-W-BP-P
- (5) Basic claim made: VIOLATION OF 8TH Amendment Constitutional Right
Cruel and unusual punishment, Imminent Danger
- (6) Date of disposition: STILL OPEN
- (7) Disposition: UNRESOLVED
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: _____
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

On July 17 I filed Complaint that I feared for my life, do to no PPE gloves, and Food trays possibly being contaminated by infected Kitchen worker. That had COVID 19, and that I believed my rights was being violated do to Cruel and unusual punishment, being held in isolated areas of the Jail without ppe, no social distance, no gloves etc... Diana Turner and Isaac Johnston became aware of these Complaints after Responding "The issue(s) would be investigated." But was not and has not while inmates and myself has contracted the Corona Virus. And I still have lingering effects and was denied proper medical treatment, but was not given a fair chance to know of my COVID test, because Staff fear exposure of the truth about how many

- B. State briefly your legal theory or cite appropriate authority: Effect of Men and women has it has under Suit - See

Gates v. Collier, 501 F.2d 1291 (CA 1974), held that inmates were entitled to relief under the Eight Amendment when they proved threats to personal safety from exposed electrical wiring, deficient fire fighting measures, and the mingling of inmates with serious contagious diseases with other prison inmates - See Also Ramos v. Lamm, 639 F.2d 559, 572 (CA 1980), stated that, "a prisoner need not wait until he is actually assaulted before obtaining relief."

* See All Attached
Copies for
legal theory and
Authority.

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.
I desire the Court to grant and order the defendant(s) to pay
the total amount of \$13million, and render Injunctions
to prevent future occurrences

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. _____


B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes X No _____

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

C. Have you previously had a lawyer representing you in a civil action in this court? Yes _____ No X

If your answer is "Yes," state the name and address of the lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 23rd day of November 2020
December 2, 2020 
Signature(s) of Plaintiff(s)

STATEMENT OF CLAIM

Continued From Civil Complaint 1983

On June 14, 2020 I arrived at Jackson County Det Center. I was not seen by medical staff, I was not tested for COVID 19, I did receive a temperature check then housed in a isolated area that social distance was not practical. I was taken to 5A wing in which overcrowding was obvious. No inmate had PPE though CDC recommended PPE and social distance to prevent the spread of the corona virus.

I made a complaint to ISC Michael Arroyo on June 16, 2020 about receiving mask. He denied the use of mask for inmates profoundly. I put in several administrative request for PPE, but was ignored. I filed a informal complaint stating that I feared imminent danger of physical harm if I had contracted the COVID 19 virus. And that it was a violation of my constitutional rights, civil rights, because I suffer cruel and unusual punishment at the hand of the facilitators, and sheriff department. This was a violation of my protected eighth amendment right.

Diana Turner never once responded to any complaint, but allowed Captain Bowler to respond unprofessionally. That negligence caused mental distress and fear, also suffering,

I REPEATILY REQUESTED MASK AND PREVENTIVE MEASURES FROM BOTH DIRECTORS DIANA TURNER AND ISAAC JOHNSTON THE DEPUTY DIRECTOR.

I TURNED TO THE DIRECTOR OF MEDICAL FOR THE MEDICAL TEAM AT JACKSON COUNTY, ADVANCED CORRECTIONAL HEALTHCARE. I FILED SEVER INFORMAL GRIEVANCES REQUESTING MEDICAL TO ISSUE PPE AND SANITIZER AND SOCIAL DISTANCE FOR COURT. MEDICAL STAFF NICHOLE DALZELL STATED MASK WOULD BE PASSED OUT AND THAT ALL PREVENTIVE MEASURES WERE BEING FOLLOWED ACCORDING TO CDC GUIDELINES.

THIS DID NOT HAPPEN! SEVERAL INMATES BECAME ILL WITH THE COVID 19 VIRUS, EVEN 3 INMATE KITCHEN WORKERS WHO HANDLED FOOD TRAYS FOR NEARLY FOUR AND A HALF MONTHS MEDICAL STAFF NOR JACKSON COUNTY DETENTION CENTER STAFF OR SHERIFF IN CHARGE DID NOTHING TO PREVENT THE SPREAD! SHERIFF IN CHARGE IS DARYL FORTE.

ON OCTOBER 10, 2020 MASK WAS FINALLY PASSED OUT TO NO PREVENTION. ON NOVEMBER 07, 2020 I BECAME VERY ILL, HAVING A EXTREME HEADACHE, SWELLIS, FATIGUE BODY, DIARRHEA, SNEEZING AND A COUGH. I FILED A COMPLAINT TO DHS NICHOLE DALZELL ON 11/07/2020 IN PAIN AND AGONY AND REQUESTING TESTING ON THE WHOLE WING. MY ENTIRE WING 5F BECAME ILL.

DO TO NEGLIGENCE AND AVOIDANCE OF POLICIES I CAUGHT COVID 19 BUT WAS NOT TREATED!

AFTER THE FILING OF THE COMPLAINT, 2 WEEKS LATER A CONTRACT AGENCY CAME DONE TESTING ON NOV. 18, 2020 THREE DAYS LATER, THE MEDICAL STAFF REMOVED A INMATE FROM MY WING, 5F CELL 14 THAT TESTED POSITIVE FOR COVID 19. HE NEVER ONCE LEFT 5F IN TWO MONTHS PRIOR TO TESTING. STRANGIV EVERYONE INCLUDING INMATE KYLE HALLOWAY HAD BECAME ILL AROUND NOV. 07, 2020.

On November 23rd, 2020 I WAS ORDERED TO MOVE IN A LINCKEAN, CONTAMINATED CELL, CELL 14 WHERE INMATE KYLE HALLOWAY LIVED BEING REMOVED FOR TESTING POSITIVE, FOR COVID 19.

THIS HAS CAUSED EXTREME MENTAL AND EMOTIONAL DISTRESS AND ANGUISH, FOR FEAR OF DYING FROM COVID 19 A CONTAGIOUS DISEASE THAT IS DEADLY.

I SUFFER FROM PTSD AND ANXIETY AND STILL HAVE THE LINGERING EFFECTS OF COVID 19.

I HAVE ASTMA AND I'M ALSO A DIABETIC WITH HIGH BLOOD PRESSURE AND STILL DO NOT HAVE MEDICATIONS FOR NEITHER DIAGNOSIS.

I SWARE THAT THE FOREGOING IS TRUE AND BASED UPON FACTS UNDER THE PENALTY OF PERJURY

28 U.S.C. § 1746

18/Steve [Signature]

#202096842

FROM: Steven A. Simmons # 202094842
Cell 14 5F wing

Jackson County Detention Center
1300 Cherry St.
Kansas City, MO 64106

ATTN:
Legal Mail
For Court use Only

TO: Clerk's Office
United States District Court
Western District of Missouri
Kansas City, MO 64106
AT 400 East 9th Street

THIS MAIL IS FROM AN INMATE IN
CUSTODY OF THE DEPT. OF
CORRECTIONS

